

YATAGAI et al
Serial No. 10/816,125

Atty Dkt: 4059-22
Art Unit: 3611

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Cancel claims 23-28 without prejudice or disclaimer.
2. Add new claims 36-37 (new dependent claim 36 being supported, e.g., by page 19, line 22, through page 20, line 2, of the specification, and new independent claim 37 being supported, e.g., by pending claims 29 and 33, from which various of its elements emanate).
3. Provide an executed Terminal Disclaimer to moot the obviousness-type double patenting rejection.
4. Respectfully traverse all prior art rejections.

B. THE TERMINAL DISCLAIMER

Applicants submit therewith a Terminal Disclaimer to moot the obviousness-type double patenting rejection.

C. PATENTABILITY OF THE CLAIMS

Claims 23-28 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,454,037 to Atsumi. Claims 29-35 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,454,037 to Atsumi in view of U.S. Patent 3,670,835 to Ross. All prior art rejections are respectfully traversed for at least the following reasons.

Ross discloses a vehicle commonly known as a "bulldozer". A side view of Ross' bulldozer shows an opening 50 located behind a crawler track.

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In the Ross bulldozer, crawler tracks are provided on left and right sides of the vehicle, respectively. However, since Ross' vehicle is large, it is possible for a maintenance personnel to approach relatively easily under the vehicle.

On the other hand, in applicant's claimed structure, an oil pan and an opening are situated between crawler belts and a front suspension housing. Since normally it is not possible for a person to crawl under snowmobile, conventionally maintenance has to be performed by sticking a hand into the opening situated under the vehicle from sideways, which is awkward and cumbersome. Applicants solve the access problem of conventional snowmobiles by locating the oil pan and the opening in such a position that skis and crawler belts do not hamper the maintenance job (that is, the oil pan and opening are situated between the track housing and the front suspension housing).

Furthermore, proposed new independent claim 37 combines subject matter of current claim 29 and current claim 33, specifying that the port has its major dimension parallel to a width direction of the body frame. Advantageously by the claimed structure, a hand can be easily inserted into an engine compartment in order to anticipate satisfactory workability from the side. (On the other hand, Ross's lid is aligned with a direction of travel of the vehicle, the claimed subject matter is not obvious from Ross.)

Further, the Ross lid is hinged at rear side of the opening relative to the vehicle body. Hence the Ross lid opens at front side of the opening relative to vehicle body. Accordingly, in a snowmobile configured as Ross, if the lid were to open accidentally while the vehicle was running, snow could enter into the engine compartment. This drawback is effectively prevented by applicants' claimed structure wherein the lid is hinged at the front side of the opening toward the direction of the travel of vehicle.

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In conclusion, Ross has totally different structure for an entirely different type and size of vehicle. Hence it would not be obvious to a person of ordinary skill in the art to arrive at applicants' claims (even if Ross were combined with Atsuumi).

D. MISCELLANEOUS

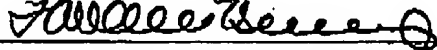
In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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